

Chapter 70.400 RCW
HEALTH CARE ENTITIES—PREGNANCY COMPLICATIONS

Sections

- 70.400.010 Definitions.
- 70.400.020 Provision of care for complications of pregnancy—
Retaliatory action prohibited.
- 70.400.030 Retaliatory action—Civil action.
- 70.400.040 Distribution of informational resources.
- 70.400.900 Conflict with federal requirements—2021 c 235.

RCW 70.400.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Health care entity" means an entity that supervises, controls, grants privileges to, directs the practice of, or directly or indirectly restricts the practice of, a health care provider.

(3) "Health care provider" has the same meaning as in RCW 70.02.010. [2021 c 235 s 1.]

RCW 70.400.020 Provision of care for complications of pregnancy—Retaliatory action prohibited. (1) Except as provided in subsection (2) of this section, if a health care provider is acting in good faith, within the provider's scope of practice, education, training, and experience and within the accepted standard of care, a health care entity may not prohibit the health care provider from providing health care services related to complications of pregnancy, including but not limited to health services related to miscarriage management and treatment for ectopic pregnancies, in cases in which failure to provide the service would violate the accepted standard of care or when the patient presents a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of medical attention could reasonably be expected to pose a risk:

(a) To the patient's life; or

(b) Of irreversible complications or impairment to the patient's bodily functions or any bodily organ or part.

(2) Nothing in this section prohibits a health care entity from limiting a health care provider's practice for purposes of:

(a) Complying with the network or utilization review requirements of any program or entity authorized by state or federal law to provide insurance coverage for health care services to enrollees; or

(b) Quality control and patient safety, including when quality control or patient safety issues are identified pursuant to peer review.

(3) A health care entity may not discharge, demote, suspend, discipline, or otherwise discriminate against a health care provider for providing services in compliance with this section. [2021 c 235 s 2.]

RCW 70.400.030 Retaliatory action—Civil action. A patient, a health care provider, or an individual, who is aggrieved by a violation of RCW 70.400.020, may bring a civil action against a health

care entity to enjoin further violations, to recover damages, or both. The prevailing party in such action may in the discretion of the court recover costs of litigation and reasonable attorneys' fees. [2021 c 235 s 3.]

RCW 70.400.040 Distribution of informational resources.

Beginning March 1, 2022, a health care entity shall provide the information prepared by the department under RCW 43.70.619 at the time of hiring, contracting with, or privileging health care providers and staff, and on a yearly basis thereafter. [2021 c 235 s 4.]

RCW 70.400.900 Conflict with federal requirements—2021 c 235.

If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. [2021 c 235 s 6.]